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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.

Plaintiff,

vs.

PEPPERTREE HOMEOWNERS
ASSOCIATION and TOW PROPERTIES,
LLC IV,

Defendants.

CASE NO.: 2:17-cv-01857-KJD-GWF-

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(SECOND REQUEST)

Pursuant to LR IA 6-1 and LR 26-4, Defendant, Tow Properties, LLC IV (“TOW”), through its counsel of record, David S. Lee, Esq. and Elizabeth C. Spaur, Esq., Plaintiff, Bank of America, N.A. (“BANA”), through its counsel of record, Melanie D. Morgan, Esq. and Vatana Lay, Esq., and Peppertree Homeowners Association (“HOA”), through its counsel of record, Steve Loizzi, Esq., submit this Stipulation and Order to extend discovery by sixty (60) days. This is the parties’ first request for an extension.

A. INTRODUCTION

This dispute arises out of BANA’s complaint, which asks the Court for a determination and declaration: (1) quiet title/declaratory relief of the subject property; (2) breach of NRS

116.1113; (3) wrongful foreclosure; and (4) injunctive relief. Tow filed a Motion to Dismiss, which is currently pending before the Court.

B. STATEMENT SPECIFYING THE DISCOVERY COMPLETED

On August 31, 2017, the Court entered a Scheduling Order that set the following deadlines:

- (a) Discovery Cut Off: January 17, 2018
- (b) Last day to file motions to amend pleadings or add parties: October 19, 2017
- (c) Initial Expert Disclosures: November 17, 2017
- (d) Rebuttal Expert Disclosures: December 18, 2017
- (e) Dispositive Motions: February 16, 2018

On November 20, 2017, the Court entered a Stipulation and Order to Extend the Deadlines with respect to the disclosure of experts:

- (a) Initial Expert Disclosures: November 28, 2017
- (b) Rebuttal Expert Disclosures: December 29, 2017

The following discovery has been completed:

- (1) BANA served its initial disclosures on January 2, 2018.
- (2) HOA served its initial disclosures on October 3, 2017.
- (3) BANA served its Subpoena Duces Tecum on Alessi & Koenig.
- (4) BANA served its Interrogatories, Requests for Admission, and Requests for Production of Documents upon Tow and HOA on December 20, 2017.
- (5) BANA served its Notice of Deposition of Rule 30(b)(6) Witness for Tow on December 20, 2017.
- (6) BANA served its Notice of Deposition of Rule 30(b)(6) Witness for HOA on December 20, 2017.

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1 **C. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE**
 2 **COMPLETED**

3 (a) Depositions. The parties anticipate taking the deposition of HOA, Alessi & Koenig,
 4 LLC and Tow.

5 **D. REASONS WHY THE DISCOVERY REMAINING WILL NOT BE**
 6 **COMPLETED WITHIN THE TIMES FRAMES SET BY THE DISCOVERY**
 7 **ORDER**

8 The parties have been engaging in settlement discussions as recently as November 30,
 9 2017. In an effort to avoid expending resources, limited discovery was completed pending the
 10 results of those discussions. Once the discussions proved unsuccessful, BANA noticed the
 11 deposition of Rule 30(b)(6) witnesses for Tow and HOA on January 17, 2018, the date discovery
 12 is currently set to close in this matter. Unfortunately, Tow is unable to produce its witness prior
 13 to the close of discovery. Accordingly, the parties request a sixty (60) day continuance of the
 14 deadlines in this case in order to allow for the completion of depositions.

15 In addition, the parties note that the deadline for the written discovery served to date is
 16 January 16, 2018. The information produced within those responses may lead to additional
 17 discoverable documents or witnesses. Accordingly, a sixty (60) day continuance will also afford
 18 the parties an opportunity to complete any necessary additional discovery resulting from the
 19 review of the responses to written discovery served to date.

20 **E. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

21 (a) Discovery Cut Off: March 19, 2018

22 (b) Last day to file motions to amend pleadings or add parties: No extension requested

23 (c) Initial Expert Disclosures: No extension requested

24 (d) Rebuttal Expert Disclosures: No extension requested

25 (e) Dispositive Motions: April 17, 2018

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F. CURRENT TRIAL DATE

This case has not yet been set for trial.

Dated this 10th day of January, 2018

Dated this 10th day of January, 2018

LEE, HERNANDEZ, LANDRUM &
GAROFALO

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/s/ Elizabeth Spaur

/s/ Vatana Lay

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Dated this 10th day of January, 2018

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ORDER

IT IS ORDERED that the discovery deadlines are extended as stipulated and agreed to by all parties. A separate amended scheduling order will not be issued.

DATED: 1/11/2018


UNITED STATES MAGISTRATE JUDGE